UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/329,140	06/09/1999	TOBIAS H. HOLLERER	MS-55(115203	7744

7590 06/14/2005	EXAMINER
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ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.		Applicant(s)
	09/329,140		HOLLERER ET AL.
	Examiner		Art Unit
	Ba Huynh		2179

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 May 2005*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-50* is/are pending in the application.
    4a) Of the above claim(s) *6-24,32-38 and 43-49* is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-5,25-31,39-42 and 50* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   A request for continued examination under 37 CFR 1.114 was filed in this application

after a decision by the Board of Patent Appeals and Interferences, but before the filing of a

Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil

action. Since this application is eligible for continued examination under 37 CFR 1.114 and the

fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to

37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on 5/16/05 has been entered.

Election/Restrictions

2.   Claims 1-50 were previously restricted as being directed to patentably distinct inventions,

set forth in the restriction requirement, paper #6. The applicant responses with an election of

claims 1-5, 25-31, 39-42 and 50 (paper #7). The amendment filed on 5/16/05 re-introduces the

entire full set of claims 1-50. In a telephone communication with Ms. Deborah L. Corpus on

6/9/05, Ms. corpus reaffirms the selection of claims 1-5, 25-31, 39-42 and 50 and authorizes the

withdrawing of claims 6-24, 32-38 and 43-49 as being non-elected claims. The following Office

action is responsive to the above communication.

Claim Rejections - 35 USC § 103

3.   Claims 1-5, 25-31, 39-42, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable

over US patent #5,678,015 (Goh), in view of US patent #6,577,304 (Yablonski et al).

- As for claims 1, 50: Goh teaches a computer implemented method and corresponding system for interaction with a computer display, comprising the steps/means for: Accepting a decisional/expectational event from the user input device (event generates by the user through the input device is a user decisional/expectational event, based on the user decision and/or expectation) to generate and display a cube, each face of the cube displays a window, the first window displays information of a first type related to the event, the second window displays information of a second type related to the event (5:12-6:42). Goh fails to clearly teach that the interface is for assisting decision making process. However, decision making processes (computing, purchasing, traveling, or any process for achieving a desired goal) are inherent capabilities of a computer. Using a computer in a decision making process is disclosed by Yablonski (Yablonski's 1:24-58). It would have been obvious to one of skill in the art to combine Yablonski's teaching of using a computer to assist decision making To Goh. Motivation of the combining is for the obvious advantage of automation, speedy computation and the readily availability of massive computer resources.

- As for claim 2: The display simulates a three dimensional cube (figs 5, 6).

- As for claims 3, 4: The first and second windows represent sides of the cube. Goh fails to teach that the cube is an unfolded cube. However, the implementation of unfolded cube would have been an obvious decorative preference as compared to Goh's folded cube since both having the same function. The implementation of unfolded cube is well known (see US patent #5,303,388, fig 9).

- As for claim 5: The maximize button is inherently included in Goh's teaching of

"window". The window can be displayed in normal, head-on view for editing (6:25-28).

Goh fails to clearly teach that the normal head-on view is displayed responsive to user

selection of the maximize button. However it would have been obvious to one of skill in

the art, at the time the invention was made, to implement the displaying of the normal

head-on view in response to the user selection of the maximize button. Motivation of the

implementation is for obtaining a maximized window display, utilizing the maximize

button which is an inherent function of window.

- As for claim 25: Goh teaches a computer implemented method and corresponding

system for interacting with a computer display, comprising the steps/means for:

A standby display state which displays a cube, each face of the cube displays a window,

the first window displays information of a first type related to an

aspirational/inclinational/desirous event (input event aspired, inclined to, or desired by

the user), the second window displays information of a second type related to the event

(5:12-6:42),

first window and second window update states during which the user can update the first

or second window by entering command via the input device(6:24-28),

First and second window focus view states in which the windows are selected and

arranged in a normal, head-on view (5:42-48, 6:25-28, 38-42),

Goh fails to clearly teach that the interface is for that the interface is for assisting decision

making process. However, decision making processes (computing, purchasing, traveling,

or any process for achieving a desired goal) are inherently capabilities of a computer.

Using a computer in a decision making process is disclosed by Yablonski (Yablonski's 1:24-58). It would have been obvious to one of skill in the art to combine Yablonski's teaching of using a computer to assist decision making To Goh. Motivation of the combining is for the obvious advantage of automation, speedy computation and the readily availability of massive computer resources.

- As for claim 26: When in standby state, input command can be selectively applied to bring the first window or the second window to the update state, or bring the window into focus view state (5:42-48, 6:25-28, 38-42).

- As for claim 27: The window entering window update state in response to user selecting the window (6:25-28). The maximized button is inherently included in Goh's teaching of "window". The window can be displayed in normal head-on view for editing (6:25-28). Goh fails to clearly teach that the normal head-on view is displayed responsive to user selection of the maximize button. However it would have been obvious to one of skill in the art, at the time the invention was made, to implement the displaying of the normal head-on view in response to the user selection of the maximize button. Motivation of the implementation is for obtaining a maximized window display, utilizing the maximize button which is an inherently included function of window.

- As for claim 28: Goh fails to teach the miniature tool representing the standby state. However, Official notice is taken that implementation of miniature tool representation of a display state is well known (see US patent #6,240,421, figure 9B, No. 192). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known miniature control interface to Goh. Motivation of the

combining is for providing a representation of the display state and for controlling the display.

- As for claim 29: When the first window in view state, the display interface may enters the standby state in response to user instruction (6:16-19), or enters the second window view state in response to user rotational control (5:33-48).

- As for claims 30, 31, 41: The rational set forth in the rejection of claim 29, furthermore: the minimize button is inherently included in Goh's teaching of "window". The window can be minimized into fall away cube (6:16-20). Goh fails to clearly teach that the minimized view is displayed responsive to user selection of the minimize button. However it would have been obvious to one of skill in the art, at the time the invention was made, to implement the displaying of the minimized view responsive to user selection of the minimize button. Motivation of the implementation is for obtaining a minimized window display, utilizing the minimize button which is an inherently included function of the window. The display of the cube provides a visual from the first information to the second information in the windows. Flicking input for rotating a display is well known in the art of gesture input (see US patent #5,347,295). It would have been obvious to one of skill in the art, at the time the invention was made to combine the well known flicking input to Goh for rotating the cube. Motivation of the combining is for the simplicity of user control.

- As for claims 39, 42: The display interface changes from the standby state to focus view state when the windows are maximized (6:24-29).

- As for claim 40: The display interface changes from window focus view state to

standby state when the windows are minimized (6:16-19). Flicking input for rotating a

display is well known in the art of gesture input (see US patent #5,347,295). It would

have been obvious to one of skill in the art, at the time the invention was made to

combine the well known flicking input to Goh for rotating the cube. Motivation of the

combining is for the simplicity of user control.

Claim Rejections - 35 USC § 102

4.   Claims 1-5, 50 are rejected under 35 U.S.C. 102(a) as being anticipated by US patent

#5,880,733 (Hortviz et al).

- As for claims 1, 50: Horvitz et al teach a computer implemented method and

corresponding system for assisting the user in decision making (via using application

program), comprising the steps/means for:

- Accepting a decisional/desirous event from the user input device to generate and

display a three dimensional room environment (3:22-33), each wall of the room display a

window, the first window displays information of a first type related to the input event,

the second window displays information of a second type related to the input event (fig

6a).

- As for claims 2-4: the display simulate a three dimensional prism (3:22-33).

- As for claim 5: The windows include maximize and minimize button (fig 6).

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
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6/9/05

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